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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 THE HANOVER INSURANCE  
9 COMPANY,

10 Plaintiff,

11 v.

12 CRISTINA MEHLING, et al.,

Defendants.

C16-1671 TSZ

MINUTE ORDER

13 The following Minute Order is made by direction of the Court, the Honorable  
14 Thomas S. Zilly, United States District Judge:

15 (1) Defendants' motion to strike, docket no. 42, the portion of plaintiff's reply,  
16 docket no. 39, indicating that plaintiff intends to seek leave to amend its complaint to  
17 assert a claim for rescission, is GRANTED. Raising such issue for the first time in a  
18 reply, which is in support of a motion for reconsideration regarding a ruling unrelated to  
19 the amendment of pleadings, is improper.

20 (2) Plaintiff's motion for reconsideration, docket no. 32, is DEFERRED, and  
21 RENOTED to August 11, 2017. Plaintiff has confirmed that it seeks reconsideration  
22 only of the stay imposed by the Minute Order entered May 8, 2017, docket no. 31, and  
23 that it wishes to proceed to trial on whether it owes a duty to defend defendants in the  
underlying state court litigation brought by the Chapter 7 Trustee for the Andrew Kim  
Bankruptcy Estate. Trial in this matter was originally scheduled for January 29, 2018,  
and plaintiff makes no assertion that trial could be conducted any earlier on the issue of  
its duty to defend. According to defendants, trial in the state court proceeding is set for  
October 2, 2017, and a motion for summary judgment has already been set for hearing on  
August 4, 2017. The parties are DIRECTED to file a Joint Status Report by August 11,  
2017, regarding (i) whether the state court has ruled on the dispositive motion and, if not,

1 when a decision is anticipated, (ii) whether trial in the underlying case is still expected to  
2 commence on October 2, 2017, and (iii) when is the earliest date on which the parties in  
this matter could be prepared for trial on the duty-to-defend portion of the case.

3 (3) The Clerk is directed to send a copy of this Minute Order to all counsel of  
4 record.

5 Dated this 27th day of June, 2017.

6 William M. McCool

Clerk

7 s/Karen Dews

8 Deputy Clerk